

THE HON'BLE MR JUSTICE V.V.S.RAO

-
WRIT PETITION No.23407 of 2006

-
13.11.2006

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Between:

Rathlavath Ramachander, S/o.Late Laxman
And another

... Petitioners

AND

The Sub Registrar, Maheswaram, Reddy District

... Respondents

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-
WRIT PETITION No.23407 of 2006

ORDER:

The petitioners are statedly owners of land Acs.10.10 guntas in survey Nos.85/A and B, 93/1/E and G, situated at Pulimamidi Village of Kandukur Mandal in Ranga Reddy District. They sold the land to one Edukalanti Chiranjeevi Goud and three others under sale deed-cum-General Power of Attorney for a valid consideration. When the sale deed executed by the petitioners in favour of the vendees was presented before the registering authority – the respondent herein; he refused to receive the document on the ground that there was an objection petition dated 08.6.2006 submitted by one Krishna Reddy to the District Registrar, Ranga Reddy. Aggrieved by the action of the respondent in not receiving the document for registration, the present writ petition is filed.

Heard learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General-T). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 35 and 72 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. The communication sent by any Revenue Official cannot be basis for rejection. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the same, this writ petition is disposed of. As and when the document is presented by the petitioners or their GPAs, the Registering Authority shall accept the same for registration and if for any reasons, the same cannot be registered, record and furnish the reasons. If the petitioners are aggrieved by the order of the Registering Authority, it shall be open to them to file appeal under Section 72 of the Act before the District Registrar.

If the District Registrar i.e., the Appellate Authority declines to give direction to the Registering Authority, the aggrieved person has to file a suit under Section 77 of the Act.

The writ petition, subject to the above observations, is accordingly disposed of. No costs.

November 13, 2006.

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(V.V.S.RAO, J)